

JOURNAL OF THE HOUSE

EIGHTY-SEVENTH SESSION

EIGHTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Tuesday, January 24, 2012

The House convened at 2:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Pastor Rolly Kemink, followed by the Pledge of Allegiance led by House pages Mackenzie Foss and Alexa Moeller.

Roll Call: All members present except Reps. Elliott and Vanneman who were excused.

APPROVAL OF THE JOURNAL

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the seventh day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Val Rausch, Chair

Which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on Health and Human Services respectfully reports that it has had under consideration HB 1009 and 1010 and returns the same with the recommendation that said bills do pass and be placed on the consent calendar.

Respectfully submitted,
Jamie Boomgarden, Chair

Also MR. SPEAKER:

The Committee on Transportation respectfully reports that it has had under consideration HB 1089 which was deferred to the 41st Legislative Day.

Respectfully submitted,
Mike Verchio, Chair

MESSAGES FROM THE SENATE

MR. SPEAKER:

I have the honor to transmit herewith SB 3, 5, 13, 19, 24, 29, 31, 32, 33, 55, 56, 57, and 58 which have passed the Senate and your favorable consideration is respectfully requested.

Respectfully,
Fee Jacobsen, Secretary

MOTIONS AND RESOLUTIONS

HCR 1002: A CONCURRENT RESOLUTION, Urging Congress and the South Dakota congressional delegation to support federal legislation to protect the United States Postal Service.

Rep. Kirschman moved that HCR 1002 as found on page 137 of the House Journal be adopted.

The question being on Rep. Kirschman's motion that HCR 1002 be adopted.

And the roll being called:

1 Yeas 58, Nays 8, Excused 4, Absent 0

2 Yeas:

3 Abdallah; Blake; Bolin; Boomgarden; Brunner; Cronin; Deelstra; Dennert; Dryden; Fargen;
4 Feickert; Feinstein; Gibson; Gosch; Haggar; Hansen (Jon); Hawley; Hickey; Hoffman; Hubbel;
5 Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones; Kirkeby; Kirschman; Kloucek; Kopp;
6 Liss; Lucas; Magstadt; Miller; Moser; Nelson (Stace); Olson (Betty); Perry; Romkema; Rozum;
7 Russell; Schaefer; Schrempp; Scott; Sigdestad; Sly; Solum; Street; Tornow; Tulson; Turbiville;
8 Van Gerpen; Venner; Verchio; White; Wick; Willadsen; Wismer; Speaker Rausch

9 Nays:

10 Carson; Conzet; Greenfield; Lust; Munsterman; Novstrup (David); Stricherz; Wink

11 Excused:

12 Elliott; Killer; Steele; Vanneman

13 So the motion having received an affirmative vote of a majority of the members-elect, the
14 Speaker declared the motion carried and HCR 1002 was adopted.

15 HCR 1003: A CONCURRENT RESOLUTION, Encouraging South Dakota hospitals with
16 maternity care services to become Baby Friendly by implementing the Ten Steps to Successful
17 Breastfeeding.

18 Rep. Magstadt moved that HCR 1003 as found on pages 138 and 139 of the House Journal
19 be adopted.

20 The question being on Rep. Magstadt's motion that HCR 1003 be adopted.

21 And the roll being called:

22 Yeas 67, Nays 0, Excused 3, Absent 0

23 Yeas:

24 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;
25 Dryden; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon);
26 Hawley; Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones;
27 Killer; Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser;
28 Munsterman; Nelson (Stace); Novstrup (David); Olson (Betty); Perry; Romkema; Rozum;
29 Russell; Schaefer; Schrempp; Scott; Sigdestad; Sly; Solum; Street; Stricherz; Tornow; Tulson;
30 Turbiville; Van Gerpen; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker
31 Rausch

32 Excused:

33 Elliott; Steele; Vanneman

34 So the motion having received an affirmative vote of a majority of the members-elect, the
35 Speaker declared the motion carried and HCR 1003 was adopted.

1 HCR 1004 Introduced by: Representatives Hickey, Bolin, Brunner, Cronin, Gosch,
2 Greenfield, Hagggar, Hansen (Jon), Hoffman, Hubbel, Hunt, Jensen, Kirschman, Kopp, Lust,
3 Magstadt, Miller, Moser, Munsterman, Nelson (Stace), Novstrup (David), Olson (Betty),
4 Rausch, Russell, Schaefer, Stricherz, Tornow, Tulson, Van Gerpen, Verchio, Wick, and
5 Willadsen and Senators Kraus, Begalka, Fryslie, Holien, Krebs, Lederman, Novstrup (Al), Rave,
6 Rhoden, and Schlekeway

7 A CONCURRENT RESOLUTION, Supporting and encouraging the academic study of the
8 Bible in South Dakota public schools.

9 WHEREAS, for nearly two thousand years, the Bible has been a cornerstone of Western
10 civilization, its content permeating nearly all aspects of culture, manifesting itself most notably
11 in literature, music, art, drama, public discourse, and philosophy; and

12 WHEREAS, biblical references abound in the works of literature, including those of
13 William Shakespeare and John Milton, and allusions to biblical themes and characters have
14 been used effectively by writers as diverse as Dante Alighieri and William Faulkner; and

15 WHEREAS, the Bible has been a source for public discourse and policy both past and
16 present; and great leaders, including George Washington, Abraham Lincoln, and Martin Luther
17 King, Jr., inspired entire generations by including in their speeches biblical references and
18 language; and

19 WHEREAS, the English language itself is so filled with biblical vocabulary, themes, terms
20 and allusions, that it cannot be fully understood and appreciated by individuals unfamiliar with
21 the Bible, depriving them of much of the richness of the language; and

22 WHEREAS, a report on Bible literacy, which included findings from a Gallup Poll survey
23 on American teenagers' knowledge of the Bible, found that American high school students are
24 deficient in their academic knowledge of the Bible and that this deficiency is a limiting factor
25 in their ability to study literature and to understand art, music, history, and culture; and

26 WHEREAS, United States Supreme Court Justice Tom Clark, in the 1963 case *Abington*
27 *v. Schempp*, wrote, " ... it might well be said that one's education is not complete without a study
28 of comparative religion or the history of religion and its relationship to the advancement of
29 civilization [and] ... that the Bible is worthy of study for its literary and historic qualities.
30 Nothing we have said here indicates that such study of the Bible or of religion, when presented
31 objectively as part of a secular program of education, may not be effected consistently with the
32 First Amendment;" and

33 WHEREAS, in a document titled *The Bible & Public Schools, a First Amendment Guide*,
34 twenty diverse groups including the National School Boards Association agreed that the Bible
35 can and should be taught in public schools as long as such teaching is academic and not
36 devotional in nature, demonstrates an awareness of the religious nature of the Bible but does not
37 press students to accept religion, does not engage in the practice of religion, neither encourages
38 or discourages differing religious views, and does not ask students to conform to any religious
39 belief; and

1 WHEREAS, George Gallup polling and other research over the years has shown that more
2 than two-thirds of the American public believe the Bible should be taught in public schools as
3 part of the literature or social studies curriculum; and

4 WHEREAS, this legislative body acknowledges the academic advantage to students of a
5 basic familiarity with the Bible:

6 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Eighty-
7 seventh Legislature of the State of South Dakota, the Senate concurring therein, that the
8 Legislature of the State of South Dakota hereby declares its support and encouragement for all
9 school districts in the state to implement a course of study or to include in the literature or social
10 studies curriculum courses or lessons that help students become familiar with the content,
11 characters, and narratives of the Bible and to include in such courses an awareness of the role
12 the Bible has played in the development of literature, art, music, culture, and public discourse;
13 and

14 BE IT FURTHER RESOLVED, that the State Board of Education be asked to incorporate
15 such support into its curriculum planning and that the board make all educational bodies in the
16 state aware of textbooks and other curriculum materials that have been prepared to teach about
17 the Bible within the guidelines and context of the First Amendment; and

18 BE IT FURTHER RESOLVED, that no state, district, or local educational body should
19 prevent the teaching of courses or classes on the Bible so long as those courses meet the
20 guidelines of the First Amendment; and

21 BE IT FURTHER RESOLVED, that this legislative body also supports and encourages any
22 effort to make teacher training available to those teachers who wish to pursue both providing
23 elective courses or integrating the Bible into existing literature or social studies courses so that
24 they be made aware of the issues involved in teaching the Bible in a public school setting; and

25 BE IT FURTHER RESOLVED, that the clear intent of this resolution be to encourage
26 districts, teachers, school staff, the media, and other interested parties to build an understanding
27 and consensus as to the importance of teaching about the Bible and its influence on culture in
28 the public schools of this state; and

29 BE IT FURTHER RESOLVED, that there be clear and consistent communication of the
30 importance of basic literacy of the Bible and its impact as well as communication of this
31 resolution to all school districts within this state.

32 Was read the first time and the Speaker waived the committee referral.

33 Yesterday, Rep. Moser announced his intention to reconsider the vote by which HB 1058
34 lost.

35 Rep. Moser moved that the House do now reconsider the vote by which HB 1058 lost.

36 The question being on Rep. Moser's motion to reconsider the vote by which HB 1058 lost.

1 And the roll being called:

2 Yeas 49, Nays 18, Excused 3, Absent 0

3 Yeas:

4 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dryden;
5 Feinstein; Gibson; Gosch; Haggard; Hansen (Jon); Hawley; Hickey; Hoffman; Hunhoff (Bernie);
6 Hunt; Jones; Killer; Kirkeby; Kirschman; Liss; Lucas; Lust; Magstadt; Moser; Munsterman;
7 Novstrup (David); Olson (Betty); Perry; Romkema; Rozum; Scott; Sigdestad; Sly; Solum;
8 Tornow; Tulson; Turbiville; Van Gerpen; White; Wick; Willadsen; Wink; Wismer; Speaker
9 Rausch

10 Nays:

11 Dennert; Fargen; Feickert; Greenfield; Hubbel; Iron Cloud III; Jensen; Kloucek; Kopp; Miller;
12 Nelson (Stace); Russell; Schaefer; Schrempp; Street; Stricherz; Venner; Verchio

13 Excused:

14 Elliott; Steele; Vanneman

15 So the motion having received an affirmative vote of a majority of the members-elect, the
16 Speaker declared the motion carried and HB 1058 was up for reconsideration and final passage.

17 HB 1058: FOR AN ACT ENTITLED, An Act to revise certain record search fees charged
18 by clerks of court.

19 Having had its second reading was up for reconsideration and final passage.

20 Rep. Lust moved the previous question.

21 Which motion prevailed.

22 The question being "Shall HB 1058 pass?"

23 And the roll being called:

24 Yeas 48, Nays 19, Excused 3, Absent 0

25 Yeas:

26 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dryden;
27 Feinstein; Gibson; Gosch; Hansen (Jon); Hawley; Hickey; Hoffman; Hunhoff (Bernie); Hunt;
28 Killer; Kirkeby; Kirschman; Lucas; Lust; Magstadt; Miller; Moser; Munsterman; Novstrup
29 (David); Olson (Betty); Perry; Romkema; Rozum; Schaefer; Scott; Sigdestad; Sly; Solum;
30 Stricherz; Tulson; Turbiville; Van Gerpen; White; Wick; Willadsen; Wink; Wismer; Speaker
31 Rausch

1 Nays:

2 Dennert; Fargen; Feickert; Greenfield; Haggar; Hubbel; Iron Cloud III; Jensen; Jones; Kloucek;
3 Kopp; Liss; Nelson (Stace); Russell; Schrempp; Street; Tornow; Venner; Verchio

4 Excused:

5 Elliott; Steele; Vanneman

6 So the bill having received an affirmative vote of a two-thirds majority of the members-
7 elect, the Speaker declared the bill passed and the title was agreed to.

8 **CONSIDERATION OF REPORTS OF COMMITTEES**

9 Rep. Lust moved that the reports of the Standing Committees on

10 State Affairs on HB 1073 as found on page 134 of the House Journal; also

11 Education on HB 1006 as found on page 135 of the House Journal; also

12 Commerce and Energy on HB 1033 as found on page 135 of the House Journal; also

13 Judiciary on HB 1045 as found on page 168 of the House Journal be adopted.

14 Which motion prevailed.

15 **FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

16 HB 1202 Introduced by: Representatives Novstrup (David), Conzet, Dennert, Gosch,
17 Hansen (Jon), Hickey, Perry, Rozum, Sigdestad, and Verchio and Senators Krebs, Frerichs,
18 Juhnke, Olson (Russell), Peters, and Rave

19 FOR AN ACT ENTITLED, An Act to repeal certain provisions regarding reckless and
20 unsafe driving.

21 Was read the first time and referred to the Committee on Transportation.

22 HB 1203 Introduced by: Representatives Boomgarden and Jones and Senator Nygaard

23 FOR AN ACT ENTITLED, An Act to revise auditing requirements for water development
24 districts.

25 Was read the first time and referred to the Committee on Local Government.

1 HB 1204 Introduced by: Representatives Munsterman, Boomgarden, Carson, Hawley,
2 Hunhoff (Bernie), Lust, Moser, and Solum and Senators Olson (Russell), Hunhoff (Jean),
3 Johnston, Kraus, Peters, Rave, and Tieszen

4 FOR AN ACT ENTITLED, An Act to clarify certain rules of evidence to determine the
5 value of services for which special damages may be awarded in health care malpractice cases.

6 Was read the first time and referred to the Committee on Judiciary.

7 HB 1205 Introduced by: Representatives Stricherz, Conzet, Cronin, Fargen, Hickey,
8 Hoffman, Hunt, Killer, Kirkeby, Kloucek, Lucas, Nelson (Stace), Olson (Betty), Solum,
9 Tornow, and Verchio and Senators Nygaard, Begalka, Maher, and Rhoden

10 FOR AN ACT ENTITLED, An Act to exempt federal veterans' disability benefits from
11 certain support obligations and other claims.

12 Was read the first time and referred to the Committee on Judiciary.

13 HB 1206 Introduced by: Representatives Blake, Boomgarden, Brunner, Elliott, Fargen,
14 Gibson, Greenfield, Hickey, Hunhoff (Bernie), Jones, Kirschman, Lucas, Magstadt, Sly, Street,
15 and Wismer and Senators Buhl, Adelstein, Bradford, Krebs, Maher, Peters, Sutton, and Tieszen

16 FOR AN ACT ENTITLED, An Act to make an appropriation for Feeding South Dakota
17 and to repeal the sales tax on food refund program.

18 Was read the first time and referred to the Committee on Appropriations.

19 HB 1207 Introduced by: Representatives Lucas and Killer and Senator Bradford

20 FOR AN ACT ENTITLED, An Act to exempt wind farms and other energy facilities from
21 taxation if located on an Indian reservation on land held in trust by the United States.

22 Was read the first time and referred to the Committee on Taxation.

23 HB 1208 Introduced by: Representatives Elliott, Abdallah, Blake, Deelstra, Fargen,
24 Gibson, Hawley, Hickey, Jones, Kirschman, Lucas, Perry, Rozum, Schrempp, Sigdestad,
25 Stricherz, Tulson, and Wismer and Senators Buhl, Adelstein, Bradford, Krebs, Lederman,
26 Nygaard, Sutton, Tidemann, and Tieszen

27 FOR AN ACT ENTITLED, An Act to establish the South Dakota Early Learning Advisory
28 Council.

29 Was read the first time and referred to the Committee on Education.

1 HB 1209 Introduced by: Representatives Romkema, Turbiville, and Venner and Senator
2 Nelson (Tom)

3 FOR AN ACT ENTITLED, An Act to exempt certain parts and components used in the
4 construction of homebuilt aircraft from sales and use taxes.

5 Was read the first time and referred to the Committee on Taxation.

6 HB 1210 Introduced by: Representatives Perry and Venner and Senator Gray

7 FOR AN ACT ENTITLED, An Act to exempt certain livestock entering the livestock
8 ownership inspection area from ownership inspection requirements.

9 Was read the first time and referred to the Committee on Agriculture and Natural
10 Resources.

11 HB 1211 Introduced by: Representatives Perry, Hawley, Street, and Turbiville and Senator
12 Tidemann

13 FOR AN ACT ENTITLED, An Act to revise budget transfer authority for certain state
14 institutions.

15 Was read the first time and referred to the Committee on Appropriations.

16 HB 1212 Introduced by: Representatives Moser, Abdallah, Cronin, Hansen (Jon), Hoffman,
17 Hunhoff (Bernie), Kirkeby, Magstadt, Novstrup (David), Olson (Betty), Sly, Turbiville,
18 Verchio, and Wick and Senators Hunhoff (Jean), Hansen (Tom), Haverly, Lederman, and Sutton

19 FOR AN ACT ENTITLED, An Act to revise certain terms regarding tort liability.

20 Was read the first time and referred to the Committee on Judiciary.

21 HB 1213 Introduced by: Representatives Wick, Carson, Cronin, Hawley, Hoffman, Lucas,
22 Lust, Moser, Novstrup (David), Perry, Rausch, Romkema, Tulson, Verchio, and Willadsen and
23 Senators Gray, Hansen (Tom), Haverly, Heineman, Holien, Krebs, Nygaard, Olson (Russell),
24 Peters, Putnam, Rave, and Schlekeway

25 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding liability for torts
26 and product identification requirements.

27 Was read the first time and referred to the Committee on Judiciary.

1 HB 1214 Introduced by: Representatives Wick, Greenfield, Haggar, Hansen (Jon), Hickey,
2 Jensen, Kirkeby, Kirschman, Miller, Olson (Betty), Russell, Stricherz, Venner, and Verchio and
3 Senators Novstrup (Al) and Lederman

4 FOR AN ACT ENTITLED, An Act to to lower the state sales and use tax on certain food
5 items if certain economic conditions occur.

6 Was read the first time and referred to the Committee on Taxation.

7 HB 1215 Introduced by: Representatives Liss, Hansen (Jon), Jensen, Olson (Betty),
8 Venner, and Wick and Senator Lederman

9 FOR AN ACT ENTITLED, An Act to provide funding grants to parents or guardians of
10 students receiving alternative instruction, and to make an appropriation therefor.

11 Was read the first time and referred to the Committee on Appropriations.

12 FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

13 SB 3: FOR AN ACT ENTITLED, An Act to revise the composition of the state trunk
14 highway system.

15 Was read the first time and referred to the Committee on Transportation.

16 SB 5: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
17 distribution of state publications.

18 Was read the first time and referred to the Committee on Education.

19 SB 13: FOR AN ACT ENTITLED, An Act to revise certain provisions pertaining to
20 reunification and termination of parental rights.

21 Was read the first time and referred to the Committee on Judiciary.

22 SB 19: FOR AN ACT ENTITLED, An Act to revise the rule-making authority of the
23 Commission on Gaming to allow the commission to authorize the executive secretary of the
24 Commission on Gaming to take certain actions on gaming licensees.

25 Was read the first time and referred to the Committee on State Affairs.

1 SB 24: FOR AN ACT ENTITLED, An Act to require certain applicants for licensure as
2 a health professional or a licensee who is the subject of a disciplinary investigation to submit
3 to a state and federal criminal background check.

4 Was read the first time and referred to the Committee on Health and Human Services.

5 SB 29: FOR AN ACT ENTITLED, An Act to authorize the establishment of a designated
6 Roth contribution program within the state deferred compensation plan.

7 Was read the first time and referred to the Committee on Retirement Laws.

8 SB 31: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the
9 South Dakota Retirement System, the South Dakota deferred compensation plan, and the South
10 Dakota special pay retirement program.

11 Was read the first time and referred to the Committee on Retirement Laws.

12 SB 32: FOR AN ACT ENTITLED, An Act to revise the suitability requirements for
13 annuities.

14 Was read the first time and referred to the Committee on Commerce and Energy.

15 SB 33: FOR AN ACT ENTITLED, An Act to revise the exemptions for insurance agent
16 examinations.

17 Was read the first time and referred to the Committee on Commerce and Energy.

18 SB 55: FOR AN ACT ENTITLED, An Act to update certain provisions pertaining to motor
19 carrier safety and transportation of hazardous materials.

20 Was read the first time and referred to the Committee on Transportation.

21 SB 56: FOR AN ACT ENTITLED, An Act to revise and repeal certain provisions relating
22 to the South Dakota Housing Development Authority.

23 Was read the first time and referred to the Committee on State Affairs.

24 SB 57: FOR AN ACT ENTITLED, An Act to revise and repeal certain administrative rules
25 relating to the South Dakota Housing Development Authority.

26 Was read the first time and referred to the Committee on State Affairs.

1 SB 58: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning
2 elections conducted at voting centers and to declare an emergency.

3 Was read the first time and referred to the Committee on Local Government.

4 **SECOND READING OF CONSENT CALENDAR ITEMS**

5 HB 1034: FOR AN ACT ENTITLED, An Act to revise the circumstances under which
6 alterations may be made to certain insurance applications.

7 Was read the second time.

8 The question being "Shall HB 1034 pass?"

9 And the roll being called:

10 Yeas 66, Nays 0, Excused 4, Absent 0

11 Yeas:

12 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;
13 Dryden; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon);
14 Hawley; Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones;
15 Killer; Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Moser; Munsterman;
16 Nelson (Stace); Novstrup (David); Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer;
17 Schrempp; Scott; Sigdestad; Sly; Solum; Street; Stricherz; Tornow; Tulson; Turbiville; Van
18 Gerpen; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

19 Excused:

20 Elliott; Miller; Steele; Vanneman

21 So the bill having received an affirmative vote of a majority of the members-elect, the
22 Speaker declared the bill passed and the title was agreed to.

23 HB 1061: FOR AN ACT ENTITLED, An Act to amend certain provisions related to
24 interpreter services in the court system.

25 Was read the second time.

26 The question being "Shall HB 1061 pass?"

27 And the roll being called:

28 Yeas 66, Nays 0, Excused 4, Absent 0

1 Yeas:

2 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;
3 Dryden; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggard; Hansen (Jon);
4 Hawley; Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones;
5 Killer; Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Moser; Munsterman;
6 Nelson (Stace); Novstrup (David); Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer;
7 Schrempp; Scott; Sigdestad; Sly; Solum; Street; Stricherz; Tornow; Tulson; Turbiville; Van
8 Gerpen; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

9 Excused:

10 Elliott; Miller; Steele; Vanneman

11 So the bill having received an affirmative vote of a majority of the members-elect, the
12 Speaker declared the bill passed and the title was agreed to.

13 HB 1069: FOR AN ACT ENTITLED, An Act to increase the amount of income and
14 principal of a perpetual fund used to maintain a cemetery.

15 Was read the second time.

16 The question being "Shall HB 1069 pass?"

17 And the roll being called:

18 Yeas 66, Nays 0, Excused 4, Absent 0

19 Yeas:

20 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;
21 Dryden; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggard; Hansen (Jon);
22 Hawley; Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones;
23 Killer; Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Moser; Munsterman;
24 Nelson (Stace); Novstrup (David); Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer;
25 Schrempp; Scott; Sigdestad; Sly; Solum; Street; Stricherz; Tornow; Tulson; Turbiville; Van
26 Gerpen; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

27 Excused:

28 Elliott; Miller; Steele; Vanneman

29 So the bill having received an affirmative vote of a majority of the members-elect, the
30 Speaker declared the bill passed and the title was agreed to.

1 **SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

2 Rep. Tornow moved that HB 1039 be placed to follow HB 1064 on today's calendar.

3 Which motion prevailed.

4 Rep. Olson moved that HB 1020 be placed to follow HB 1039 on today's calendar.

5 Which motion prevailed.

6 HB 1049: FOR AN ACT ENTITLED, An Act to add certain definitions regarding the
7 Department of the Military.

8 Was read the second time.

9 1049ra

10 Rep. Nelson moved that HB 1049 be amended as follows:

11 On page 1, line 7, of the printed bill, after "Army" insert ". the United States Navy, the
12 United States Marine Corps.".

13 On page 1, line 9, after "Army," insert "Department of the Navy.".

14 On page 1, line 11, after "army," insert "the secretary of the navy.".

15 A roll call vote was requested and supported.

16 The question being on Rep. Nelson's motion that HB 1049 be amended.

17 And the roll being called:

18 Yeas 47, Nays 18, Excused 5, Absent 0

19 Yeas:

20 Blake; Bolin; Brunner; Conzet; Cronin; Deelstra; Dennert; Dryden; Feickert; Feinstein;
21 Greenfield; Haggar; Hansen (Jon); Hawley; Hickey; Hoffman; Hubbel; Hunt; Iron Cloud III;
22 Jensen; Jones; Kirkeby; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Moser; Munsterman;
23 Nelson (Stace); Olson (Betty); Rozum; Russell; Schaefer; Schrempp; Sigdestad; Sly; Solum;
24 Stricherz; Tornow; Tulson; Van Gerpen; Venner; Verchio; Wick; Willadsen

1 Nays:

2 Abdallah; Boomgarden; Carson; Fargen; Gibson; Hunhoff (Bernie); Killer; Kirschman;
3 Novstrup (David); Perry; Romkema; Scott; Street; Turbiville; White; Wink; Wismer; Speaker
4 Rausch

5 Excused:

6 Elliott; Gosch; Miller; Steele; Vanneman

7 So the motion having received an affirmative vote of a majority of the members present,
8 the Speaker declared the motion carried, and HB 1049 was so amended.

9 The question being "Shall HB 1049 pass as amended?"

10 And the roll being called:

11 Yeas 67, Nays 0, Excused 3, Absent 0

12 Yeas:

13 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;
14 Dryden; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggard; Hansen (Jon);
15 Hawley; Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones;
16 Killer; Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser;
17 Munsterman; Nelson (Stace); Novstrup (David); Olson (Betty); Perry; Romkema; Rozum;
18 Russell; Schaefer; Schrempp; Scott; Sigdestad; Sly; Solum; Street; Stricherz; Tornow; Tulson;
19 Turbiville; Van Gerpen; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker
20 Rausch

21 Excused:

22 Elliott; Steele; Vanneman

23 So the bill having received an affirmative vote of a majority of the members-elect, the
24 Speaker declared the bill passed and the title was agreed to.

25 Rep. Lust moved that HB 1056 be placed to follow HJR 1001 on today's calendar.

26 Which motion prevailed.

27 Speaker Pro tempore Gosch now presiding.

28 HB 1028: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to state
29 employees and to the administration of state personnel matters.

30 Was read the second time.

1 The question being "Shall HB 1028 pass as amended?"

2 And the roll being called:

3 Yeas 67, Nays 0, Excused 3, Absent 0

4 Yeas:

5 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;
6 Dryden; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon);
7 Hawley; Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones;
8 Killer; Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser;
9 Munsterman; Nelson (Stace); Novstrup (David); Olson (Betty); Perry; Romkema; Rozum;
10 Russell; Schaefer; Schrempp; Scott; Sigdestad; Sly; Solum; Street; Stricherz; Tornow; Tulson;
11 Turbiville; Van Gerpen; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker
12 Rausch

13 Excused:

14 Elliott; Steele; Vanneman

15 So the bill having received an affirmative vote of a majority of the members-elect, the
16 Speaker declared the bill passed and the title was agreed to.

17 HJR 1001: A JOINT RESOLUTION, Proposing and submitting to the electors at the next
18 general election an amendment to Article XVII of the Constitution of the State of South Dakota,
19 relating to corporations.

20 Was read the second time.

21 The question being "Shall HJR 1001 pass as amended?"

22 And the roll being called:

23 Yeas 65, Nays 1, Excused 4, Absent 0

24 Yeas:

25 Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert; Dryden;
26 Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon); Hawley; Hickey;
27 Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones; Killer; Kirkeby;
28 Kirschman; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser; Munsterman; Nelson (Stace);
29 Novstrup (David); Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer; Schrempp;
30 Scott; Sigdestad; Sly; Solum; Street; Stricherz; Tornow; Tulson; Turbiville; Van Gerpen;
31 Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

32 Nays:

33 Kloucek

1 Excused:
2 Abdallah; Elliott; Steele; Vanneman

3 So the resolution having received an affirmative vote of a majority of the members-elect,
4 the Speaker declared the resolution passed and the title was agreed to.

5 HB 1056: FOR AN ACT ENTITLED, An Act to revise certain provisions of the South
6 Dakota Business Corporations Act regarding the issuance of shares and cumulative voting for
7 directors.

8 Was read the second time.

9 The question being "Shall HB 1056 pass?"

10 And the roll being called:

11 Yeas 65, Nays 1, Excused 4, Absent 0

12 Yeas:
13 Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert; Dryden;
14 Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon); Hawley; Hickey;
15 Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones; Killer; Kirkeby;
16 Kirschman; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser; Munsterman; Nelson (Stace);
17 Novstrup (David); Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer; Schrempp;
18 Scott; Sigdestad; Sly; Solum; Street; Stricherz; Tornow; Tulson; Turbiville; Van Gerpen;
19 Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

20 Nays:
21 Kloucek

22 Excused:
23 Abdallah; Elliott; Steele; Vanneman

24 So the bill having received an affirmative vote of a majority of the members-elect, the
25 Speaker declared the bill passed and the title was agreed to.

26 HB 1046: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding child
27 custody during a soldier's deployment.

28 Was read the second time.

29 Rep. Turbiville moved that HB 1046 be deferred to Thursday, January 26, the
30 10th legislative day.

31 Which motion prevailed.

1 Speaker Rausch now presiding.

2 HJR 1002: A JOINT RESOLUTION, To propose a constitutional amendment to repeal
3 certain reimbursement restrictions for travel by legislators to and from a legislative session.

4 Was read the second time.

5 The question being "Shall HJR 1002 pass?"

6 And the roll being called:

7 Yeas 52, Nays 15, Excused 3, Absent 0

8 Yeas:

9 Abdallah; Blake; Bolin; Boomgarden; Brunner; Deelstra; Dennert; Dryden; Fargen; Feickert;
10 Feinstein; Gibson; Greenfield; Haggar; Hawley; Hickey; Hoffman; Hubbel; Hunhoff (Bernie);
11 Hunt; Jensen; Jones; Killer; Kirkeby; Kirschman; Kloucek; Liss; Lucas; Magstadt; Miller;
12 Moser; Munsterman; Nelson (Stace); Novstrup (David); Olson (Betty); Perry; Romkema;
13 Russell; Schaefer; Scott; Sigdestad; Sly; Solum; Street; Tulson; Van Gerpen; Venner; White;
14 Wick; Willadsen; Wink; Wismer

15 Nays:

16 Carson; Conzet; Cronin; Gosch; Hansen (Jon); Iron Cloud III; Kopp; Lust; Rozum; Schrempp;
17 Stricherz; Tornow; Turbiville; Verchio; Speaker Rausch

18 Excused:

19 Elliott; Steele; Vanneman

20 So the resolution having received an affirmative vote of a majority of the members-elect,
21 the Speaker declared the resolution passed and the title was agreed to.

22 HB 1007: FOR AN ACT ENTITLED, An Act to repeal certain outdated and obsolete
23 statutes regarding the Department of Education.

24 Was read the second time.

25 The question being "Shall HB 1007 pass?"

26 And the roll being called:

27 Yeas 67, Nays 0, Excused 3, Absent 0

1 Yeas:

2 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;
3 Dryden; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggard; Hansen (Jon);
4 Hawley; Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones;
5 Killer; Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser;
6 Munsterman; Nelson (Stace); Novstrup (David); Olson (Betty); Perry; Romkema; Rozum;
7 Russell; Schaefer; Schrempp; Scott; Sigdestad; Sly; Solum; Street; Stricherz; Tornow; Tulson;
8 Turbiville; Van Gerpen; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker
9 Rausch

10 Excused:

11 Elliott; Steele; Vanneman

12 So the bill having received an affirmative vote of a majority of the members-elect, the
13 Speaker declared the bill passed and the title was agreed to.

14 HB 1060: FOR AN ACT ENTITLED, An Act to permit a probationer who is a registered
15 sex offender to reside in an assigned halfway house or supervised living center within a
16 community safety zone.

17 Was read the second time.

18 1060rc

19 Rep. Nelson moved that HB 1060 be amended as follows:

20 On page 2, between lines 10 and 11 of the printed bill, insert:

21 "However, no person who is required to register as a sex offender because of a sexual
22 offense committed against a person under the age of sixteen may reside in a community safety
23 zone pursuant to the exceptions otherwise provided in subdivisions (2), (3), or (4) of this
24 section.".

25 A roll call vote was requested and not supported.

26 Rep Nelson's motion lost.

27 The question being "Shall HB 1060 pass?"

28 And the roll being called:

29 Yeas 52, Nays 13, Excused 5, Absent 0

1 Yeas:

2 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Cronin; Dennert; Dryden; Feinstein;
3 Gibson; Gosch; Greenfield; Haggar; Hansen (Jon); Hawley; Hickey; Hoffman; Hubbel; Hunhoff
4 (Bernie); Iron Cloud III; Killer; Kirkeby; Kirschman; Kloucek; Lucas; Lust; Magstadt; Moser;
5 Munsterman; Novstrup (David); Olson (Betty); Perry; Romkema; Rozum; Schaefer; Schrempp;
6 Scott; Sigdestad; Sly; Solum; Street; Stricherz; Tulson; Turbiville; Van Gerpen; White; Wick;
7 Willadsen; Wink; Wismer; Speaker Rausch

8 Nays:

9 Conzet; Fargen; Feickert; Jensen; Jones; Kopp; Liss; Miller; Nelson (Stace); Russell; Tornow;
10 Venner; Verchio

11 Excused:

12 Deelstra; Elliott; Hunt; Steele; Vanneman

13 So the bill having received an affirmative vote of a majority of the members-elect, the
14 Speaker declared the bill passed and the title was agreed to.

15 HB 1062: FOR AN ACT ENTITLED, An Act to clarify the supporting documentation
16 necessary for a request to implement the standard visitation guidelines.

17 Was read the second time.

18 The question being "Shall HB 1062 pass?"

19 And the roll being called:

20 Yeas 65, Nays 1, Excused 4, Absent 0

21 Yeas:

22 Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert; Dryden;
23 Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon); Hawley; Hickey;
24 Hoffman; Hubbel; Hunhoff (Bernie); Iron Cloud III; Jensen; Jones; Kirkeby; Kirschman;
25 Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser; Munsterman; Nelson (Stace);
26 Novstrup (David); Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer; Schrempp;
27 Scott; Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tornow; Tulson; Turbiville; Van Gerpen;
28 Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

29 Nays:

30 Killer

31 Excused:

32 Abdallah; Elliott; Hunt; Vanneman

33 So the bill having received an affirmative vote of a majority of the members-elect, the
34 Speaker declared the bill passed and the title was agreed to.

Rep. Lust moved that the balance of the calendar including HB 1063, 1064, 1039, and 1020 be deferred to Wednesday, January 25, the 9th legislative day.

Which motion prevailed.

COMMEMORATIONS

HC 1005 Introduced by: Representatives Kloucek, Blake, Cronin, Dennert, Elliott, Fargen, Feickert, Gibson, Hawley, Hubbel, Hunhoff (Bernie), Jones, Killer, Kirschman, Lucas, Munsterman, Nelson (Stace), Perry, Romkema, Rozum, Russell, Schrempp, Sigdestad, Street, Van Gerpen, and Wismer and Senators Putnam, Begalka, Bradford, Buhl, Frerichs, Frysliie, Gray, Hunhoff (Jean), Lederman, Rave, Sutton, Tidemann, Tieszen, and Vehle

A LEGISLATIVE COMMEMORATION, Congratulating and honoring Rob Monson on his election as the 2011-2012 President of the National Association of Elementary School Principals.

WHEREAS, Rob Monson of Parkston, South Dakota, is the 2011-2012 President of the National Association of Elementary School Principals, and he brings a wealth of knowledge, skill, and experiences to the post from his employment as the principal of Parkston Elementary School; and

WHEREAS, Rob Monson earned a Bachelor of Arts degree in business education from Dakota State University, a Master of Science in Education degree in elementary school administration and supervision from the University of South Dakota (USD), a Specialist's Degree in Technology for education and training from USD, and also a superintendent's endorsement from USD; and

WHEREAS, Rob Monson is the proud husband of Angie Monson, the proud father of his three sons, Payton, Dylan, and Reagan, and the recipient of many education awards including the Instructional Leadership Award, the School Administrators of South Dakota Little Red School House Award, and the South Dakota State Bass Federation Youth Volunteer Award:

NOW, THEREFORE, BE IT COMMEMORATED, by the Eighty-seventh Legislature of the State of South Dakota, that Rob Monson of Parkston, South Dakota, be congratulated and honored on his election as the 2011-2012 President of the National Association of Elementary School Principals.

HC 1006 Introduced by: Representatives Kloucek, Blake, Carson, Cronin, Dennert, Elliott, Fargen, Feickert, Gibson, Hawley, Hickey, Hubbel, Hunhoff (Bernie), Iron Cloud III, Jones, Killer, Kirschman, Lucas, Munsterman, Nelson (Stace), Romkema, Rozum, Russell, Schrempp, Sigdestad, Street, and Wismer and Senators Putnam, Begalka, Bradford, Buhl, Cutler, Frerichs, Frysliie, Gray, Hunhoff (Jean), Lederman, Rave, Sutton, Tidemann, Tieszen, and Vehle

1 A LEGISLATIVE COMMEMORATION, Honoring and commemorating the anniversary in
2 2012 of the fifty-fourth annual Schmeckfest in Freeman, South Dakota.

3 WHEREAS, the fifty-fourth annual Schmeckfest celebrates the rich cultural heritage that
4 German immigrants transported from their homeland to enrich their new home in South Dakota
5 and is hosted by the Freeman Academy Auxiliary; and

6 WHEREAS, Schmeckfest, having been held every spring and has grown to accommodate
7 more than six thousand guests each year, showcases the traditional foods and crafts of the
8 Freeman community with an ethnic meal, demonstrations, and displays; and

9 WHEREAS, this year on March 23-24 and March 30-31, 2012, at the Pioneer Hall in
10 Freeman, South Dakota, the ethnic German meal will be served family style from 4:00 p.m. to
11 7:00 p.m. Tickets are available for one thousand meals each evening; and

12 WHEREAS, the annual event includes a full stage musical theater production of "The
13 Wizard of Oz," which will take place on March 23-24, and March 29-31, 2012, at 8:00 p.m.:

14 NOW, THEREFORE, BE IT COMMEMORATED, by the Eighty-seventh Legislature of
15 the State of South Dakota, that the many members and friends of the Freeman community be
16 honored and commemorated on the fifty-fourth anniversary of Schmeckfest in 2012.

17 Rep. Turbiville moved that the House do now adjourn, which motion prevailed and at
18 4:23 p.m. the House adjourned.

19 Karen Gerdes, Chief Clerk